IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 13820 of 1995

Between:

Jaidi Gangamma W/o.Ganga Reddy
R/o.Bopparam Tq.Nirmal

..... PETITIONER

AND

1 The Special Dy.Collector Land Acquisition-cum-Rehabilitation
S.R.S.P.Pochampad
2 Myaka Venkat Narasaiah S/o.Narsimlu
R/o.Bopparam Tq.Nirmal
3 Smt.Lakshmi, W/o. late Myka Venkata Narsaiah,
(impleded as per court orderdt.1-11-95 in WPMP.No.29679/95)
4 Myaka Bhaskar, S/o. late Myka Venkata Narsaiah,
(impleded as per court orderdt.1-11-95 in WPMP.No.29679/95)
5 Myaka Murali, S/o. late Myka Venkata Narsaiah,
(RR 3 to 5 impleded as per court orderdt.1-11-95 in

WPMP.No.29679/95)

(Respondent Nos.3 to 5 are R/o. Bopparam village, Nirmal Mandal,
Adilabad District.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.1 in cancelling the allotment of plot granted in lieu of the house acquired through Memo.No.D/437/84, Dated: 25-1-1995 as illegal, arbitrary and without jurisdiction and set aside the same.

Counsel for the Petitioner: MR.V.MANOHAR RAO

Counsel for the Respondent No.1: GP FOR LAND ACQUISITION

Counsel for Respondent No.2: none appeared.

Counsel for the Respondents 3 to.5: Mr. K.V. Sudhakar Reddy.

The Court made the following:

ORDER:

The petitioner is claiming to be the owner of agricultural lands and houses at Old Bopparam Village of Nirmal Taluq. The Government of Andhra Pradesh formulated a policy to form a new village by providing house sites, in lieu of acquired house sites from the public and to grant some agricultural lands. Accordingly the lands and houses of the petitioner were acquired and she was provided with two house sites bearing No.608/B, 646/A, admeasuring Acs.0.10 and Acs.0.05 by the first respondent through proceedings No.B/200/84, dated 16-5-1984. When the first respondent interfered with the petitioner's possession and enjoyment, she filed

O.S.No.123 of 1984 on the file of the District Munsif, Nirmal to declare that the respondent has no power to cancel the allotment and to restrain the respondent from interfering with her possession and enjoyment of the property. The District Munsif by judgment dated 27.10.1988 granted perpetual injunction restraining the respondents from interfering with the petitioner's possession and cancelling the patta certificates. Even though there is judgment in her favour, when the respondents tried to interfere with her possession, the petitioner filed W.P.No.3966 of 1989 before this Court for a direction to the respondent not to interfere with her possession. This court initially granted interim direction and thereafter passed ex parte orders on 24.10.2004 dismissing the writ petition. Thereafter, the respondent passed impugned orders on 25-1-1995 cancelling the allotment made to the petitioner and reallotted the same to the second respondent in contravention of the judgment in O.S.No.123 of 1984. Questioning the cancellation, the petitioner filed the present writ petition to declare the action of the first respondent in canceling the allotment order dated 16-5-1984 as illegal and arbitrary.

The main contention of the learned counsel for the petitioner is that by virtue of orders dated 15-1-1995, the Special Deputy Collector, Land Acquisition had cancelled the allotment made to the petitioner and re-allotted the same to one Mr. Myaka Venkat Narsaiah, the second respondent herein and the petitioner has not been allotted any other alternative land and the cancellation was done without issuing any notice to the petitioner.

However, it has to be observed that the impugned order dated 25.1.1995 was passed by virtue of the orders passed by this court in W.P.No.3866 of 1989, which reads as under:

> "Smt. Jaidi Gangawwa, W/o. Gangareddy, R/o. Bopparam village is hereby informed that the house plot No.608/B earlier allotted to her vide office file No.B/22/84, dated 16-4-1984, Mukthapur Rehabilitation Centre is cancelled as per the directions of the Hon'ble High Court of A.P., Hyderabad in W.P.No.3866/1989, dated 24-10-1994 and directed this office to re-allot the above House Plot No.608/B to Sri Myka venkat Narsaiah, S/o. Narsimlu, R/o. Bopparam Village."

In view of the same, it has to be observed that the said order has become final. As the learned Single Judge has also observed that the petitioner has already been allotted alternative land, the petitioner has no right to question the authority of the first respondent in cancelling the allotment order.

In view of the fact that the orders in the earlier writ petition have become final and the petitioner had already been granted alternative site, I do not find any reason to interfere with the impugned order passed on 25-1-1995.

With the above observations, the Writ Petition is dismissed. No costs.

T. Meena Kumari, J.

4th November, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Special Dy.Collector Land Acquisition-cum-Rehabilitation
S.R.S.P. Pochampad.

2 Two CCs to G.P. for Land Acquisition, High Court Buildings, High Court

of A.P., Hyderabad. (OUT).

3 2 CD copies.